Public Works (1938) Department

G.O. No. 1940

Dated 7 9-1938

[Despatch Abstract.]

From

BD OF REVENUE
31 OCT 1936
VICTORIA

[illegible] Siliquipna Taluk,

Bellary District.

A1
GR 14634/36

To

The Secretary to the Government.

Local and Self Government Department,

MADRAS.

Through

The President District Board,

BELLARY.

Respected Sir,

I beg to bring the following for your kind and favourable early orders

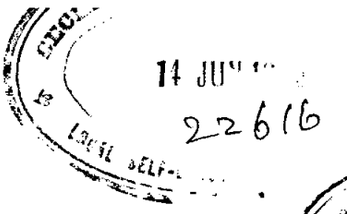
[illegible] possess dry and wet lands including orchards &c. etc. and have to supervise of nearly 70 acres in [illegible] villages Hamlet of Dasanoor. These villages are in the Island of the Hunsabadra river about 2 miles from my village. To enable people to go to these villages proper arrangements are not [illegible] Ferry contractors. The Ferry boat [illegible] out every year to cross the people to the other side of the river i.e. to [illegible] part. As the contractor lives at [illegible] Siriguppa the boat is brought to its station [illegible] o'clock in the morning and [illegible] is immediately taken to the other side of the river it takes one and two hours to return and in the evening [illegible] contractor returns from the other side of the river after 7 o'clock

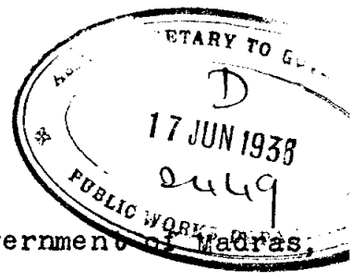
vise the work along with the coolies at the [illegible] till late [illegible] have in any of such occasions some of the coolies as well my agents will be getting their food [illegible] and if no proper arrangement is made by me to enable them to receive their food immediately it shall be [illegible] towards them.

4 My agents and myself will generally be visiting the gardens and fields both in night and day times to ascertain if the [illegible] occurred generally.

5 To avoid all the above difficulties and to facilitate my servants to cross the river to my fields and [illegible] for providing private ferry boats in [illegible] fore-fathers' time by the District Board, Ellore.

6 The ferry contractors' station is near [illegible] road place where I can take my own ferry boat near my gardens) The contractor cannot wait or engage himself in other [illegible] my coolies daily, neither my coolies [illegible] they are crossed. In such a case we will [illegible] and we will have to engage other boats [illegible] river throughout the day.





N.Dis.C.R.No.1434/36.

Forwarded to the Secretary to Government of Madras, Local Self Government Department, Madras.

There is no provision in the public canals and fer Act for the grant of free license asked for by the petitioner. He should make his own arrangements with the District Board contractor for the timely conveyance of his coolies and agents by paying him extra remuneration in the interest of his garden and field works.

Y. Mahabaleswarappa

B.S.R.6-6-36. 6/6.

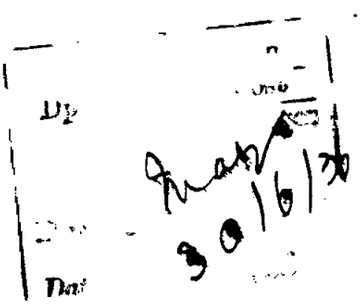
President District Board,
Bellary.

17
29/6

(CNO-2449/D/36) Estt 2449-D/36 dt 29-6-36

Revenue - ~~Tour Allowance~~ BeMary
of Newspaper Villages -
permission to ply a
private ferry - within
Mumbai area Nanjundappa
& 25. 5. 29 36.

Referred to the
Board officer for
remarks



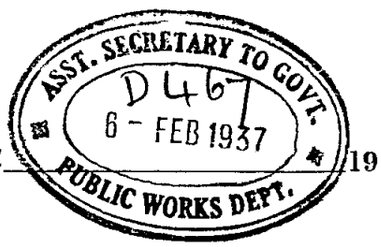
Note
Note

P. am
1/7/36

IV
Board officer
(Enclosure may
in reply to the
note may kindly)

PublicWorks DEPARTMENT.

CURRENT No.



Received 19 *Registered* 19

Subject.

Ferries - (Bellary) - Siruguppa taluk - Virupapur village - Permission to ply private ferry.

Reference No. E. 3775/36-4

Station Madras, *Dated the* 29th January 1937.

From

F.R.Brislee Esq., I.C.S.,
Secretary,
Board of Revenue.

C.A.Henderson Esq., V.D., I.C.S.,
Commissioner of Land Revenue and Settlement.

Read the following:-

I.
Endorsement from Government. Public Works Department No. 2449 D/36-1 dated the 29th June 1936.

II.
Memorandum from -do No. ~~2819~~ 2917 D/36-1 dated 31st July 1936.

III.
Letter from A.G.Blake Esq., I.C.S., Collector of Bellary, No. Ref. C.5504/36 B1, dated 17-12-1936.

Reference

The sketch received with the Collector's letter appears to show that the Bagwadi No.2 ferry can be used only to cross the main Tungabhadra into Hyderabad and tha it will not help any one to go from Bagwadi to Desanoor. If this is so, the Collector is requested to report how i will satisfy the needs of the petitioners who want to cross the Tungabhadra channel to Desanoor; and to submit

a revised sketch explaining the position clearly.

Ramachandra Rao.
for Secretary. 5.2.37

To the Collector of Bellary with a sketch.

Copy to the Secretary to the Government, Public Works department.

M.R.V./30-1-37.
SMA — MARK
4/2/37

P. W. Dept

AR Lill 20-3-37

Mr. Rao 9/2/37

10/2/37

Mem 31/3/37

From, P.Channabasappa

Bagawadi
(Siruguppa Taluk Bellary Dt:)

A.D

To,

The Secretary to the Government
Local and Self Govt Department
Madras.

Through the President District Board
Bellary.

Sir,

I mostly humbly beg to bring the following for your kind consideration and favourable orders.

I possess wet lands and gardens in Virapapur Village, hamlet of Desanur, Siruguppa Taluk which is surrounded by the Thungabhadra river. To go to the above fields and gardens the river has to be crossed by a ferry. Ferry No:2 which is leased out every year is nearly a mile from the place where I was hith-erto maintaining my own ferry under the orders of the President District Board Bellary. The President District Board was kind enough as to grant me permission to ply my own ferry up till now I engage 100 to 150 coolies to work in my garden and fields daily from morning 7 to 5 P.M. Generally some of the coolies and my Maistries get their food through their relatives at noon when no ferry shall be available other than my own. The ferry contractors go to the spot at or after 9 A.M. and some times the ferry shall be away on the other side of the river which shall take nearly an hour to return. Till then my coolies shall not be able to suffer themselves.

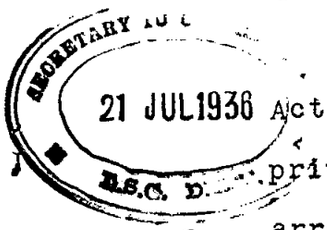
~~It shall~~ I will be relieved from all such difficu-lties if I be granted with permission to run my own ferry as before.

For this act of kindness I shall be very thankful to you.

I beg tox remain
Sir,
Your most obedient servant.

Bagawadi
(Siruguppa Taluk)
Dated,7-7-1936.

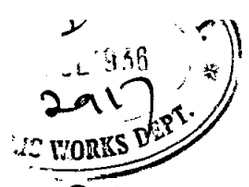
Forwarded to the Secretary to Government Local Self Government Department, Madras.



26297

There is no provision in the Public Canals and Ferries Act for the grant of free license for the running ~~of~~ of the private ferry asked for by the petitioner. He should make his own arrangements with the District Board ferry contractor for the timely conveyance of his coolies and agents and the harvested produce by paying him extra remuneration in the interest of his garden and field works.

Y. Mahabaleswarappa.
19.7.36
President District Board.



D.S.C. Dept

Please see petition on p 1 and the President's forwarding remarks above. The request of the petitioner practically amounts to a suggestion for alteration of the limits defined for the ferry no. 2 referred to in the petition so that it may be lawful for the petitioner to run his private ferry at the place where he has been plying his ferry till now. ~~The may~~ The question is ~~however~~ one for P.W.D. to consider to whom this may be transferred ~~for~~

P.W. Depn

Memo. No 2917 D/36-1 D 31-7-36

Ferries - Bellary - Siruguppa Taluk - Kirasapur village - Refee - petition from mr P. Channabasappa of Bagawadi dated 7-7-36 & Endt thereon by the P.D.B, Bellary No N.Dis P.C.R. No. 2257/36 dated 14-7-36

The P. D. B, Bellary is requested to forward a rough sketch showing the place where the petitioner wants to run his own ferry & also the place where the ~~Government~~ ferry referred to in the Endt is plying with particulars as to the name of the ferry & the authority sanctioning the establishment of the ferry under the Canals & Public Ferries Act. The reply to this reference should be sent through the Collector of Bellary. & Record of Rer.

29/7/36

O an
31-7-36

C.F. 31—17,006—9-2-37.

Public Works DEPARTMENT.

17

CURRENT No. D 3162

Received 19 *Registered* 19

Subject.

FERRIES - Bellary district - Siruguppa taluk - Virupapur village - Permission to have private ferry service - Report submitted.

Refce. G. No.1563/37-3

Station Madras, , *Dated the* 21st September 1937.

From

D.I.R. Muir Esq., I.C.S.,

Joint Secretary,

L.R. & S.

Board of Revenue.

G. A. Henderson Esq., V.D., I.C.S.,

Commr. of Land Rev. & Sett.

Read the following paper:-

Letter from A.G. Blake Esq., I.C.S., Collector, Bellary, D.Dis. C.No.641/37 dated 28th April 1937.

Ferries - Bellary district - Siruguppa taluk - Virupapuram village - permission to ply private ferry further report - subm

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Ref. Board's Ref.C.No.E. 3775/36-4- dated 29th Jan.1937.

It is true that the Bagavadi No.2 ferry can be used only to cross the main Thungabhadra into Hyderabad and that it will not help any one to go from Bagavadi to Desanoor. It is but fair that the petitioners should have facilities to reach their lands across the channel with advantage without depending upon the public ferry for the purpose. Every time the petitioners want

to take their coolies across the channel to Desanur they cannot negotiate with the public ferry to suit their convenience. I recommend that the petitioners' request to ply a private ferry for the use of their farm servants may be granted. A revised sketch is enclosed.

Submitted to the Government with reference to their Endt. No.2449 D/36-1 dated 29-6-1936 and their memorandum No.2917- D/36-1 dated 31-7-36.

2. As the existing public ferry - Bagavadi No.2 does not serve the required purpose of the petitioners and as there is no provision in the 'Canals and Public Ferries Act' for sanctioning private ferries, the Board considers that the two ferries to be opened by the petitioners should be treated as public ferries and should be brought under the provisions of the Act without the levy of tolls. The necessary draft notification under sections 5, 6 and 8 of the 'Canal and Public Ferries Act' and a sketch showing the position of the ferries are submitted. The establishment of Bagavadi No.2 ferry under the 'Canals and Public Ferries Act' was sanctioned in Government Notification No.188 dated 28-3-1895 published at page 373 to 376 of the Fort St.George Gazette Part I dated 9-4-1895.

Notification

Under section 8 of the Canals and Public Ferries Act Madras Act II of 1890, the Provincial Government hereby declare the ferries for private service worked by the under-mentioned persons within the limits specified against them to be subject to the provisions of the Canals and Public Ferries Act II of 1890 from the date of this notification and under sections 5 and 6 of the said Act, the Government are further pleased to exempt these two ferries from registration and levy of fees and tolls.

Name of person authorised.	Ferry limits
1. Pallada Nanjundappa of Bagavadi village, Siruguppa taluk.	Tungabhadra river channel between S.No. 823 of Desanur villag and S.No.645 of Bagavadi village.
2. Pallada Pedda Chenna Basappa of Bagavadi village, Siruguppa taluk.	Tungabhadra river channel between S.No. 823 of Desanu village and S.No. 644-A of Bagavadi village.

Local Fund **DEPARTMENT.**

Received ..... 19 . *Registered* 30 OCT 1936 19 .

Subject.

Private ferries - Bagavadi- Siruguppa Taluk-Bellary District- Sketch showing the positions of private ferries asked for and District Board Ferries- submitted.

Ref:- Government Memorandum No.2917-D/36-1. dated the 31st July,1936.

ENCLOSURES.
No. 1
Spare copies .....

C. No. 429-G/36.

Station Bellary., *Dated the* 9th October, 1936.

From (Name) Y. MAHABALESWARAPPA Esquire.,M.L.C.,

(Designation) President,District Board,Bellary.

To The Secretary to the Government of Madras,

Local Self Government- Department.
Fort Saint George, Madras.

Through
The Collector
Of Bellary.

And

The Board of Revenue,
Madras.

Sir,

In submitting herewith the sketch showing the positions of the private ferries asked for by Messrs. Channabasappa and P.Nanjundappa and Dhadesugur Kondam Clerk of Jahagirdar Rangana Gowd of Bagavadi Village Siruguppa Taluk of Bellary District and Dhadesugur of Nizam's Dominions and the positions of the District boc

service ferries at Bagavadi, I have the honour to state as follows:-

2. The ferries asked for by Messrs. P.Nanjundappa and P.Channabasappa lie on the branch river of the river Thungabhadra at a distance of 6 to 7 furlongs from Bagavadi No.II Ferry where the branch river joins the main river and that Mr.Dhadesugur Kondayya Clerk of Jahagirdar Rangana Gowd of Dhadasugur Village lies on the main river Thungabhadra at a distance of 100 to 300 feet from the District Board's said ferry. These three individuals own wet and dry lands in the island of Desanur of Siruguppa Taluk Bellary District for which they ask permission for plying their own private ferries for the transhipment of coolies and harvested produce etc., to and fro. There is no provision in the Madras Public Canals and Ferries Act for the grant of free permission for plying private ferries for Agricultural etc., purposes. Nothing hinders the individuals from availing themselves of the services of the public ferry established at Bagavadi No.II for their purposes which is made available at all times from sunrise to sunset. Plying during nights is risky and has been prohibited to guard against untoward calamities. These persons will have to pay the prescribed fees for the use of the ferry or settle with the leasee for the payment of a lump sum concessional rates in view of an assured and heavy traffic of the petitioners. As the lease of the ferry is open to public the Jahagirdars may themselves take the lease of the ferries in their own interest and the interest of the public every year.

private ferry to Nizam's Dominions. Thus the District Board will be deprived of its income from the public ferry.

The Jahagirdars say that permission was granted to them for their private ferries by the Siruguppa and Bellary Taluk Boards. I submit that they must have, if at all, acted without authority. It has also been brought to my notice that permission was refused by the authorities of the H.E.H. the Nizam's Dominions for the grant of private ferry asked for by the Jahagirdar Rangana Gowd of Dhadesugur village.

5. As the ferry is a long standing one the and date of the authority sanctioning the establishment of the ferry is not available.

Under the circumstances explained above I am not in favour of the grant of permission for private ferries detrimental to the income of the Board's ferry and the grant of such will result in the repetition of any No. of applications from other Sowcars etc., in the Board's jurisdiction. There will be no end to such requests which I think must be nipped in the bud.

I have the honour to be

Sir,

Your most Obedient servant,

Y. Mahabaleswarappa.

President, District Board,
Bellary.

9/10

But is as the injunction sought for in the draft D.M. necessary? Could the petitioner run his own boat even within the limits of the D.B. ferry if he is using it only to transport his own [illegible] & he does not charge money by charging fees. Or if the place where he wants to run his boat is outside the limits of the D.B. ferry is he precluded by the Act from running his own service and charging fees? I can't find my copy of the Act.

The Act contemplates the existence of private ferries inside S. 9 of the Act but if a ferry is brought within the operation of the Act the private ferry should cease to exist. The wording of the latter portion of S. 9 seems to bear the meaning of a ferry for one's own purposes within the

It is not clear from the provision whether the ferries referred to have been flying or are to fly. A rough sketch is proposed to be called for

It is also not known whether the Dublin Board ferry is one operated under an Act. No papers are transmitted & there is no reference to such ferries in the Local Rules & Orders

The reference proposed is with to which these particulars.

Robt Billy The wording of section 9 of the Act seems to indicate that you can't run your private boat to convey even your own goods within the limits of a notified ferry.

The matter may arise

Pam
31-7

Ferries - Bellary - Siruguppa taluk - Virupapur village - permission to ply private ferry service.

From the P.D.B., Bellary No.Dis C.R.1464/36 d/6-6-36
Endt. to the Bd. of Rev. No.2449 D/36-1 d/29-6-36
From the P.D.B. Bellary No.Dis C.R.225/36 d/19-7-36.
Memo to Bd. of Rev. No.2917 D/36-1, dated 31-7-36.
From the -do- No.Ref. G.1563/37-3 d/21-9-37.

Submitted.

2. The P.D.B.'s letter at pp. 20-22 c.f. and the Collector's letter at pp. 17-18 c.f. explain the proposal in detail. The limits of the existing and proposed ferries are shown in the sketch at p. 25 c.f.

3. The proposal is that permission should be given under the Canals and Public Ferries Act for the opening of a ferry close to an existing ferry under the Act solely in the interests of ~~an~~ certain individuals for transporting ~~his~~ their coolies and the produce from ~~his~~ their lands. It is not to be a public ferry and no fees etc. are to be levied. The Collector and the Board of Revenue support the request but the Dt. Board is against it, as it anticipates that the establishment of the proposed ferry will be detrimental to the working of the existing ferries.

4. The Act does not permit the establishment of private ferries as it relates only ~~the~~ to public ferries. The normal procedure is to establish a public ferry under sec. 8 and vest under sec. 11 ~~the~~ its management in the local body concerned. But it is possible that Govt. may under sec. 10 manage the ferry themselves or authorise any person to work it; it is only in the latter case ~~one~~ the licence and ~~work~~ toll fees leviable will have to be prescribed.

If the present proposal is to be considered, it will have to be done as mentioned above with reference to the provisions of the latter portion of sec. 10 of the Act. There appears to be no special reason for departing in this case from the general rule of ~~working~~ vesting the management of public ferries in the local bodies, especially in view of the fact that the Dt. Board in this case is definitely opposed to the proposal. The Collector and the Board have not dealt with the objections to the proposal raised by the Dt. Board. If a ferry is needed at the place required by the petitioners it may be got by extending the limits of the existing ferry to that place or by asking the Dt. Bd. itself to open another ferry there. In the circumst the request of the petitioners may be rejected.

5. In making its recommendation the Bd. has not correctly appreciated the provisions of the Act. For instance the reference to Sections 5 & 6 of the Act in relation to a ferry is wrong as the sections refer only to navigation in canals and not to ferrie

ferry subject to the Provisions of the Act only when a declaration is made under section 8 As far as I can see a ferry worth regard to which no such declaration is made can function without coming under the Act. If that be the case, if the petitioners ply their own boats from the mainland to the island where their lands lie to transport their workmen and produce (of course keeping outside the notified bounds of the existing Dt. Board Ferry) it would seem that their action would be perfectly legal and would not contravene the Act. ~~In~~ If this view is correct the question of granting or refusing the permission sought for would not arise, as no permission would be necessary. Legal may kindly advise on the point

16/10/37

ASSISTANT
18 OCT 1937
LEGAL DEPARTMENT

Section 9 of the Canals and Public Ferries Act, 1890, no doubt prevents a person only from conveying goods, animals or passengers by means of vessels across a channel within the limits notified for the public ferry under section 8. But this provision does not necessarily imply that any person is at liberty to convey goods, etc., belonging to himself across the channel outside those limits by using his own vessels. If a person owns the lands on both the banks, he will ordinarily have a right to carry goods, animals and passengers across the channel from one bank to another. If he owns the lands only on one of the banks, he will have no right to land goods, etc., at the other bank unless he has obtained the permission of the owner of that bank. Where he owns neither bank, he will have no right to convey goods, etc., across the channel, unless he has been given a franchise by the Crown to do so or has acquire the right by long usage. The ownership of the bed of the channel seems also to be a relevant circumstance in considering the question of the right to cross it. In England, a ferry is created by royal grant or by an Act of Parliament. It can also be acquired by prescription evidencing user from time immemorial or by proof of facts from which a modern grant may be inferr (Halsbury's Laws of England, Volume 15, page 23, paragraph 32). The law in India is also to the same effect, at any rate, in regard to the right of the Crown to give a franchise to establish a right of ferry (see A.I.R.1935 Allahabad 481).

2. It is presumed that in this case the ferries which the applicants desire to establish are situated outside the limits of the public ferries now existing, as notified in the Gazette. But this may kindly be

verified. The ownership of the banks on either side of the proposed ferries and of the bed of the channel at these places is not also clear. Information regarding this matter may kindly be called for.

3. The applicants say that the privilege of running private ferries was granted to them by the District Board, Bellary or by the then Taluk Boards (please see paragraph 5 at page 3 c.f., M at page 11 c.f. and Q at page 22, c.f). This implies a recognition by the applicants of the right of the District Board now to exercise ferry rights at these places. If the District Board or its predecessors, the taluk boards, have exercised the right for a long period, the District Board ~~would~~ might have acquired a right by prescription, and it will not be open to any other authority to disturb the exercise of that right except in the circumstances and to the extent specified in the Canals and Public Ferries Act, 1890. A report may also be called for with regard to the right of the District Board.

4. Perhaps the best course in the circumstances will be to take action on the lines suggested at M on page 2 ante, viz., to have an additional ferry or ferries opened at the places at which need for them is felt, by extending the limits of the existing ferry or otherwise. Action to this effect may of course be taken under the Canals and Public Ferries Act, 1890. If this is done, the questions referred in paras 2 & 3 above will not arise.

K. M
9/x1/37

with the remarks of Legal dept
para 4 of their note on p 5 ante
the file may be returned to P.W.D.
etc.

16/11

17.11.37

26/11 P.W.D.

P.W.D.

P.W. dept.

Action may be taken on the
lines suggested in para 4 of the
Legal dept. note p 5 ante which is agreed to
by the L.A.D. A draft on to
the Bd of Rev is submitted.

7/12/37

P.W. Dept

Mem. No 24490/36-3 dt 8/12/37

Ferries - Bellary Dt - Singapuram village - Permission to run private ferry service.

Refee. - from the Bd of Rev No. Lg. 1563/37-3 dt. 21-9-37.

The Bd of Rev to inform if a ferry is considered necessary at the place mentioned by the petitioners, it should be provided either by extending the limits of the existing public ferry or by asking the Dt Board to open an additional public ferry at the place. The Bd of Rev is requested to take necessary action in the matter in consultation with the Dt Board.

2/ Sections 5 & 6 of the Madras Canals & Public Ferries Act referred to by the Bd of Rev apply only to Navigation in Canals &

C.F. 31—17,006—9-2-37.

Public Works **DEPARTMENT.**

CURRENT No.

TO GOVT. 14 JUL 19 3396 19

Received _____ 19 *Registered* _____ 19

Subject.

Ferries - (Bellary) - Siruguppa taluk - Virupapur village permission to run private ferry service.

Ref. No. G.1563/37-5

Station Madras, *Dated the* 12th July 19 38

From

D.I.R. Muir, Esq., I.C.S.,

JOINT Secretary,

Board of Revenue.

C.A. Henderson, Esq., C.S.I., V.D., I.C.S.,
Commissioner of Land Revenue & Settlement.

Read :-

I.

Government Public Works Department Memorandum No. 2449 D/36-1 dated 8-12-1937.

II.

Letter from J.W. Pritchard, Esq., I.C.S., Collector, Bellary, Ref. C. No.6310-37 dated 22-6-1938.

...

Ferries - Siruguppa taluk - Virupapur village - permission to run private ferry service - report.

Ref:- Board's Refce. C. No.1563/37-4, dated 20-12-1937.

...

I consulted the District Board in regard to the feasibility of extending the limits of the existing public ferry (Bagavadi No. II) or to open an additional public ferry at the place mentioned by the petitioners. The President, District Board, reports that it is not possible to extend the

the limits of Bagavadi No. II ferry because the distance between it and the place where the petitioners desire to have transport facilities is long. He further reports that it is not also possible to open an additional public ferry at the place where the petitioners want it for as there are no Government lands on either side of the river for providing landing places and that acquisition of bits of garden and wet lands is necessary. In order to avoid all possible difficulties, the President, District Board, has proposed to establish a new public ferry between Ibrahampuram and Desanur limits and has proposed to provide landing places in S.No. 721 of Desanur which is a rasta poramboke and in S.No. 91 of Ibrahampuram which is a private land by acquiring a portion of it. I enclose a sketch showing Bagavadi Ferry No. II, the place mentioned by the petitioners and the place where the District Board has now proposed to establish a new ferry.

At present the villagers of Ibrahampuram find it difficult to go to Desanur as Bagavady Ferry No. II which is th only means of crossing the river is situated at a distance of nearly two miles from Ibrahampuram. The new ferry proposed by the District Board is a useful one for the villagers of Ibrahampuram and I recommend the proposal to the Board for cons deration.

REFERENCE:

Submitted to the Government.

2. In view of the Collector's report the Board requests that the Government may be pleased to declare the ferries run by Pallada Nanjundappa and Pallada Pedda Chenna Basappa across the Tungabadra River Channel between Bagavadi and Desanur villages to be public ferries without the levy of tolls as originally proposed in the Board's Reference No. G. 1563/37-3 dated 21-9-37 and to open a new public ferry near Ibrahampuram village, about a mile to the south of the ferries mentioned above, to serve the needs of the villagers of Ibrahampuram and to entrust it to the District Board.

3. The Draft Notifications submitted to the Government with the Board's Reference mentioned in paragraph 2 above in respect of the ferries referred to therein may be ordered to be published. Draft notifications in respect of the proposed ferry at Ibrahampuram will be submitted to the Government on receipt of their orders approving the proposal.

for Joint Secretary.

To

The Secretary to Government
Public Works Department
(with a sketch).

VSK.13-7.

98. MS
13.7.

From the Board of Revenue No.Ref.G.1563/37-5,d/12-7-38.

In 1937, the Board of Revenue requested that permission should be given under the Canals and Public Ferries Act for the opening of ferries across the Tungabhadra River Channel between Bagavadi and Desanu villages in the Siruguppa taluk, Bellary district sol in the interests of certain individuals. It was not be a public ferry and no fees were proposed to be lev

2. The question was examined in detail then and Board of Revenue was told that if a ferry was conside necessary at the place, it should be provided either by extending the limits of the existing public ferry at the place or by ~~acting~~ asking the Dt. Board to open an additional public ferry - see notes at pp.27-32 and memo. No.2449 D/36-3, d/8-12-37.

3. The Collector now reports that the Dt. Board is not agreeable to extend the limits of the existing public ferry or to open an additional public ferry at the place required by the private individual. The Dt. Board is however willing to open a public ferry between Ibrahampuram and Desanur limits but the petitioners are not agreeable to this as the proposed ferry will not serve their needs being far away from Ibrahampuram ferry their village. The Collector therefore recommends

that permission may be given/to ply ferries for private service at the places/and that the ferries may be exempt from registration and levy of fees and tolls under - Section 5 & 6 of the Canals & Public Ferries Act. The Board of Revenue supports the Collector's proposal.

4. Attention is in this connection invited to the notes at pp.27-28 of the memo No.2449 D/36-3 dated 8-12-37. The Canals & Public Ferries Act relates only to public ferries and does not regulate the working of private ferries. Under Sec.8 of the Act, a public ferry at the place may be established and under Sec.10, Govt. may manage the ferry themselves or authorise any person to work it, or vest the management with the local body concerned under Section 11.

5. As the Dt. Board is not in favour of the proposal the question of vesting with it the management of the ferry does not arise. There is no need for Govt. to take up the management themselves for the benefit of a particular individual. Therefore if the ferry is to be maintained at the place proposed under the Act, it will be a public ferry governed by the latter portion of Section 10, in which case the usual procedure of prescribing tolls etc. will have to be followed.

6 The reference to sections 5 & 6 of the Act made by the Board of Revenue in regard to the exemption of the ferries from payment of registration and levy of fees and tolls is wrong as the sections refer to navigation in canals and not to ferries. This may pointed out to the Board of Revenue. It may also be

told that the Act does not govern the establishment of private ferries and that any ferry under the Act will be a public ferry, the management of which will be governed by the provisions of Sections 10 & 11.

If the proposal is to run ~~formally~~ purely a private ferry it is a matter for the Dt. Board to give the requisite permission, as may be necessary. If the Dt. Board is opposed to the proposal, the provisions of the Canals & Public Ferries Act cannot be invoked for the establishment of a private ferry. The Board of E may be told as above. L.A.D. and Legal may see for remarks.

L-A-D

Legal

Jaffna Kent Tin Canals & Pathe Ferries Ltd
Ltd cannot be worked by telephone a
private ferry. A ferry where the
only other persons who use it are
public ferry (the Government officers on duty)
a ferry where the only other
persons who use it and consequently
the persons whose use of
the ferry cannot be charged as
constituting a private ferry. As stated
825 vehicles only use the canal.

27/8

P.W.

P.W. agree

draft memo to the Sd of Rev
to submitted. After consultation the proposal
maybe recorded in a Gr

1/9/38

Legal 5265-1
29.8.38

ASST SECRETARY TO GOVERNMENT
30 AUG 1938
D4151
PUBLIC WORKS DEPARTMENT

2/9/38
TB
2/9/38

Govt 1940
7-9-38.

P.W.44

Ore. No 3396 B/38-2 dt 3-9-38

Ferries - Bellary - Sangappatalu

Kumbapur village permissio

to run private ferry servic

From the Bd of Rev Ref No. G.

1563/37-5 dt 12-7-38